



Paper No. 7

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OFFICE OF PETITIONS

In re Application of :
Imai et al. :
Application No. 09/894,566 : ON PETITION
Filed: 28 June, 2001 :
Attorney's Docket No. 09793822-0149 :

Receipt is acknowledged of the petition filed on 31 December, 2001, captioned "Response to Notice of Omitted Items and Petition" concerning the U.S. Patent and Trademark Office's handling of an application assigned application Serial No. 09/894,566.

The petition is dismissed.

The application was filed on 28 June, 2001. However, on 20 August, 2001, Initial Patent Examination Division mailed a "Notice" stating that the application had been accorded a filing date of 28 June, 2001, and advising applicant that Figures 5E and 5F described in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioners explain that Figures 5E and 5F were not missing on 28 June, 2001. Instead, the application included two sets of Figures each labeled 5C and 5D, two of which are the Figures 5E and 5F described in the specification.

It is obvious from the petition that no drawings were actually missing on 28 June, 2001. Rather, the drawings of Figures 5E and 5F were simply mislabeled as a result of the applicant's filing error. However, the "Notice" mailed on 20 August, 2001, was correct in stating that Figures 5E and 5F described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

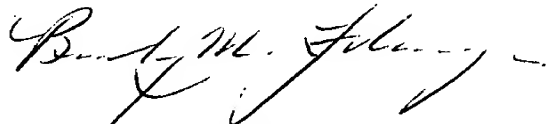
The present petition was not necessitated by any error on the part of the Office and the \$130.00 petition was required upon filing of the petition. Thus, the \$130.00 petition fee will not be refunded.

The application will be processed and examined using the application papers filed on 28 June, 2001. The copies of the drawing figures supplied with the present petition will not be used for processing or examination, but will be retained in the application file.

Receipt is acknowledged of the preliminary amendment filed on 31 December, 2001.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 28 June, 2001.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Douglas I. Wood at (703) 308-6918.



Beverly M. Flanagan
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Office of Petitions
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for Patent Examination Policy